

DETAILED ACTION

This responds to the Board of Patent Appeals and Interferences decision to reverse Examiner's Final Rejection filed 03/05/2007. Claims 1, 5, 11, 15, 19, and 25 were appealed. Claims 2-4, 6-10, 12-14, 16-18, 20-24, and 26-28 were withdrawn during prosecution by Applicant prior to the appeal due to non-elected species and are now subject to rejoinder.

Allowable Subject Matter and Rejoinder

1. Claims 1-28 are allowable. Claims 2-4, 6-10, 12-14, 16-18, 20-24, and 26-28, previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement between inventions of the species of recognition criteria and species of incentive criteria, as set forth in the Office action mailed on 07/28/2003, is hereby withdrawn** and Claims 1-28 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Interview

2. Examiner thanks Applicant for her assistance to ensure there are no remaining issues. See Separate Interview Summary.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571)270-1992. The examiner can normally be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m..

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul A. D'Agostino/
Examiner, Art Unit 3714

/John M Hotaling II/
Primary Examiner, Art Unit 3714